

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

NO. CR18-179 RAJ

v.

ORDER CONTINUING TRIAL DATE
AND PRETRIAL MOTIONS DEADLINE

JESUS PALOMARES MENDEZ,
Defendant.

This matter comes before the Court on the motion of the government, which has not been opposed by Defendant Jesus Palomares Mendez, to continue the trial in this matter, and to set a new pretrial motion cutoff consistent with that new trial date. Having considered the motion, Defendant's waiver filed pursuant to the Speedy Trial Act (Dkt. #18), and all the files and records herein, the Court finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay are set forth in the Motion to Continue, incorporated by this reference, and include the following: (a) the large number of defendants charged in the related conspiracy; (b) the nature of the prosecution, which includes wiretaps over multiple phone lines and investigations in numerous districts; and (c) the volume of discovery produced, and still to be produced.

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(i) and (ii) that this case is sufficiently unusual and complex, due to the

1 combination of the number of defendants charged in the related conspiracy, the nature of
2 the prosecution, as well as the existence of novel questions of fact, that it is unreasonable
3 to expect adequate preparation by the parties for pretrial proceedings or for the trial itself
4 by the current trial date, or for the immediate future.

5 THE COURT THEREFORE FINDS that failure to grant the continuance in this
6 related case would likely make the continuation of this related proceeding impossible and
7 result in a miscarriage of justice, because failing to continue this matter for a considerable
8 period of time would deny counsel for the parties the reasonable time necessary for
9 effective preparation, due to defense counsels' need for more time to review the
10 considerable volume of discovery and evidence produced, and still to be produced, and to
11 consider possible defenses and motions, taking into account the exercise of due diligence.

12 THE COURT FINDS, in light of these factors, that it is unlikely that the parties can
13 be reasonably ready to try this matter before March 4, 2019.

14 THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(6)
15 and (7), that this is a reasonable period of delay in that the parties have indicated they
16 require more time to prepare for trial. The Court finds that given the complexity of the
17 case, the number of defendants in the related proceedings, and the volume of discovery
18 produced, and still to be produced, that more time is, in fact, necessary.

19 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
20 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a
21 continuance, and that they outweigh the interests of the public and the defendant in a speedy
22 trial.

23 THIS COURT FURTHER FINDS that all of the additional time requested between
24 the date of this Order and the new trial date of March 4, 2019, is necessary to provide
25 counsel the reasonable time necessary to prepare for trial.

26 NOW, THEREFORE, IT IS HEREBY ORDERED that the Government's Motion
27 to Continue Trial Date and Pretrial Motions Deadline (Dkt. #17), which has not been
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1 | opposed by Defendant, is GRANTED. The trial in this matter is continued to March 4,
2 | 2019, at 9:00 a.m.

3 | IT IS HEREBY ORDERED, that all pretrial motions, including motions in limine,
4 | shall be filed no later than January 17, 2019.

5 | IT IS FURTHER ORDERED that the time between the date of this Order and the
6 | new trial date of March 4, 2019, is excluded in computing the time within which a trial
7 | must be held pursuant to Title 18, United States Code, Section 3161, et seq.

8 | DATED this 13th day of September, 2018.

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12 | The Honorable Richard A. Jones
13 | United States District Judge
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